


Mail Stop RCE

Modified PTO/SB/30 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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 <p>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995</p> <p>See The American Inventors Protection Act of 1999 (AIPA).</p>	Application Number	09/989,132
	Filing Date	November 21, 2001
	First Named Inventor	BACCIOLI
	Group Art Unit	3679
	Examiner Name	Cottingham
	Attorney Docket Number	3816-15

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on March 19, 2004
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Request for Refund

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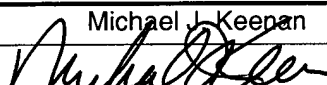
2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ Applicant claims "small entity" status.
- b. ☒ Fees are attached as calculated below:
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$ 770.00
- ii. ☒ Petition is made to extend the due date 2 months (less _____ months previously paid) \$ 420.00
- iii. ☐ Other _____ \$
- c. ☒ Check in the amount of \$1190.00 _____ enclosed
- d. ☐ Payment by credit card (Form PTO-2038 enclosed)
- e. ☒ The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Michael J. Keenan	Registration No. (Attorney/Agent)	32,106
Signature		Date	June 2, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to U.S. Patent and Trademark Office on:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BACCIOLI ET AL

Atty. Ref.: 3816-15

Serial No. 09/989,132

TC/A.U.: 3679

Filed: November 21, 2001

Examiner: Cottingham

For: TUBE PLATE FOR TUBE BUNDLES FOR CHEMICAL
REACTORS AND HEAT EXCHANGERS IN GENERAL

* * * * *

June 2, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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REQUEST FOR REFUND

On March 19, 2004, applicant filed a response to the Final Rejection of January 16, 2004. Thus, applicant's response was filed approximately one month prior to the three month due date of April 16, 2004 for responding to the Final Action.

Applicant received an Advisory Action in response to the Amendment of March 19, 2004 on May 28, 2004. A prior telephone call to the Examiner resulted in an explanation that the Advisory Action had been prepared and had been intended to be mailed but for some reason was not. The Examiner thus re-dated and resent the Advisory Action as noted above.

Because of the inordinate and unreasonable delay in responding to applicant's Amendment After Final Rejection, applicant requests a refund of the two months extension fee paid by applicant in order to maintain pendency of the application for the

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Serial No. 09/989,132

purposes of filing the accompanying RCE. No extension of time fee would have been necessary had the USPTO responded promptly and expeditiously to applicant's proposed Amendment After Final Rejection.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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